

United States District Court
Eastern District of Michigan
Southern Division

United States of America,

Plaintiff,

Civil Case No.

Honorable:

vs.

One (1) Ruger SR9C Pistol, CAL:9,
Serial No. 336-79452, Seventeen (17)
Rounds of Assorted Ammunition, CAL:9,
and Eighteen (18) Rounds of Independence
Ammunition, CAL:9,

Defendants *in rem*.

COMPLAINT FOR FORFEITURE

NOW COMES Plaintiff, the United States of America, by and through
MATTHEW SCHNEIDER, United States Attorney for the Eastern District of
Michigan, and LINDA AOUATE, Assistant United States Attorney, and states
upon information and belief in support of this Complaint for Forfeiture *in rem* that:

1. This is an *in rem* civil forfeiture action pursuant to 18 U.S.C. §
924(d)(1).

JURISDICTION AND VENUE

2. This Court has original jurisdiction over this proceeding pursuant to 28 U.S.C. § 1345 as this action is being commenced by the United States of America as Plaintiff.

3. This Court has jurisdiction over this forfeiture action, pursuant to 28 U.S.C. § 1355(b)(1)(A), as the acts giving rise to the forfeiture occurred in the Eastern District of Michigan.

4. Venue is proper before this Court pursuant to 28 U.S.C. § 1391(b)(2), as a substantial part of the events or omissions giving rise to the Government's claims occurred in the Eastern District of Michigan.

5. Venue is also proper before this Court pursuant to 28 U.S.C. § 1395(b), as the Defendants *in rem* were found and seized in the Eastern District of Michigan.

DEFENDANTS *IN REM*

6. The Defendants *in rem* in this action consist of the following:

- a. One (1) Ruger SR9C Pistol, CAL:9, Serial No: 336-79452;
- b. Seventeen (17) Rounds Assorted Ammunition CAL:9; and
- c. Eighteen (18) Rounds Independence Ammunition CAL:9.

All items listed in paragraph no. 6 shall hereafter collectively be referred to as the "Defendant Firearm and Ammunition."

7. The Defendant Firearm and Ammunition were seized by agents with the Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) and/or other local and federal law enforcement agencies at a home located at XXXX Lane Street, Detroit, Michigan (hereinafter, “the Lane Street Location”), on or about April 26, 2018. The Defendant Firearm and Ammunition are and will continue to be in the custody of the ATF in the Eastern District of Michigan.

STATUTORY BASIS FOR CIVIL FORFEITURE

8. Title 18, United States Code, § 922(g)(3) prohibits any person who is an “unlawful user of or addicted to any controlled substance (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. Section 802))” from shipping, transporting, receiving or possessing firearms or ammunition. Marijuana is listed in the Controlled Substances Act as a Schedule 1 controlled substance.

FACTUAL BASIS SUPPORTING FORFEITURE

9. The Defendant Firearm and Ammunition are forfeitable to the United States pursuant to 18 U.S.C. § 924(d)(1) which governs the civil forfeiture of any firearm and ammunition which is possessed by any person who uses or is addicted to marijuana.

10. Forfeiture of the Defendant Firearm and Ammunition is supported by a preponderance of the evidence, including, but not limited to, the following information:

a. On April 26, 2018, agents from the ATF, as well as other participating law enforcement officers (“Law Enforcement Agents”) arrived at the Lane Street Location to execute a federal search warrant.

b. Law Enforcement Agents approached the Lane Street Location wearing clearly marked “Police” and “ATF” clothing, knocked on the front door, and announced their presence several times. Law Enforcement Agents received no response. Agents proceeded into the Lane Street Location through the front door. Once inside, Law Enforcement Agents ordered “anyone in the upstairs of the residence to identify themselves and come to the top of the staircase with their hands raised.”

c. Several seconds later, three individuals appeared at the top of the stairs and were identified as follows:

- i. Juan Carlos Ramos;
- ii. Nyasa Salinas (girlfriend of Juan Carlos Ramos); and
- iii. Ramon Salinas.

d. Thereafter, law enforcement personnel handcuffed and escorted the above occupants to the front porch of the Lane Street Location.

e. Law Enforcement Agents re-entered the Lane Street Location and conducted a protective sweep of the residence and located no other persons.

f. Once secure, Law Enforcement Agents conducted a search of the Lane Street Location and seized, among other items, the following:

- i. One (1) silver and black Ruger 9mm caliber pistol, model: SR9C, Serial No. 336-79452 (defendant firearm) found inside a red bag stored within an end table situated in the family room;
- ii. One (1) plastic bag containing (17) rounds of assorted 9mm ammunition (defendant ammunition) found on top of a dresser located in a blue bedroom on the second floor;
- iii. One (1) box of 9mm caliber Independence ammunition containing eighteen (18) rounds of 9mm caliber ammunition (defendant ammunition) found on top of a dresser located in the same blue bedroom on the second floor;
- iv. Eighty-Eight (88) rounds of 7.62x39 mm caliber ammunition containing a headstamp "964 75" found inside a bedroom closet situated on the top shelf inside the same blue bedroom located upstairs;
- v. One (1) small plastic bag containing 1.61 grams of suspected marijuana found in front of a couch located in the family room on the first floor; and
- vi. One (1) small plastic bag containing 2.23 grams of suspected marijuana found inside a grey hooded sweatshirt located in a closet right behind the front door.

g. In addition to the firearm, ammunition and marijuana mentioned above, Law Enforcement Agents also seized numerous cell phones from the blue and pink bedrooms located on the second floor of the Lane Street Location. Law Enforcement Agents also recovered one fired bullet from the outside siding on the

subject house that was situated approximately two and half feet west of the front door leading into the Lane Street Location.

h. While agents were searching the Lane Street Location, Juan Carlos Ramos identified himself and told agents that his mother owned the Lane Street Location. Ramos further stated that he (Ramos) has lived at the Lane Street Location for twenty-four years and utilizes the upstairs "blue bedroom." Next, Nyasa Salinas identified herself to agents as Ramos' girlfriend. Ms. Salinas told agents that she has lived at the Lane Street Location on and off in the past but has most recently moved back to the Lane Street Location approximately one to two months ago. Ms. Salinas told agents she resides in the upstairs "blue bedroom" with Ramos. The third occupant identified himself as Ramon Salinas and told agents that he has resided at the Lane Street Location for approximately one and a half years and is currently utilizing the "pink bedroom" located upstairs.

i. Following the search, Ramos was transported to the Detroit Public Safety Headquarters for further questioning. Prior to questioning, Ramos was advised of his constitutional rights and signed a Detroit Police Department Constitutional Rights Certificate of Notification.

j. During questioning, Ramos advised Law Enforcement Agents that he (Ramos) smokes marijuana with his girlfriend and also admitted that he (Ramos) would not be able to pass a drug test due to his marijuana use. Due to recent stress,

Ramos told agents that he smokes marijuana “all the time” and buys ¼ to ½ ounce of marijuana at a time.

k. The Defendant Firearm is registered to Juan Carlos Ramos.

l. Law Enforcement Agents seized the Defendant Firearm and Ammunition as a firearm and ammunition possessed by an unlawful user of controlled substances which are subject to forfeiture pursuant to 18 U.S.C. § 924(d)(1).

m. ATF initiated administrative forfeiture proceedings against the Defendant Firearm and Ammunition and provided notice to Ramos regarding the initiation of administrative forfeiture proceedings. In response, Ramos served ATF with a Seized Asset Claim Form in which he claimed, under penalty of perjury, to have an interest in the Defendant Firearm and Ammunition stating that his interest in the “items are for my personal protection.” Along with Ramos’ Claim Form was a “Firearms Sale” receipt from Gander MTN showing the Defendant Firearm was sold to Juan Carlos Ramos on April 19, 2017.

CLAIM

11. Plaintiff re-alleges and incorporates by reference each and every allegation in paragraphs 1 through 10 above, and all subparagraphs therein.

12. The Defendant Firearm and Ammunition are forfeitable to the United States pursuant to 18 U.S.C. § 924(d)(1) which governs the civil forfeiture of any

firearm and/or ammunition which is possessed by any person who uses or is addicted to marijuana.

RELIEF

WHEREFORE Plaintiff, the United States of America, respectfully requests that a warrant for arrest of the Defendants *in rem* (i.e., Defendant Firearm and Ammunition) be issued; that due notice be given to all interested parties to appear and show cause why the forfeiture should not be decreed; that judgment be entered declaring that the Defendants *in rem* be condemned and forfeited to the United States of America for disposition according to law; and that the United States be granted other relief as this Court may deem just and proper, together with the costs and disbursements of this action.

Respectfully submitted,

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[P-70693]

Dated: September 17, 2018

VERIFICATION

I, George Linen, state that I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives. I have read the foregoing Complaint for Forfeiture and declare under penalty of perjury that the facts contained therein are true and correct based upon knowledge possessed by me and/or upon information received from other Law Enforcement Agents.



GEORGE LINEN, Special Agent
Bureau of Alcohol, Tobacco, Firearms & Explosives

Dated:

9/17/18